

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

Raymond Chestnut,)	Civil Action No.: 1:21-cv-01259-RBH
)	
Petitioner,)	
)	
v.)	ORDER
)	
Director M. Rhodes,)	
)	
Respondent.)	
)	

Petitioner Raymond Chestnut, proceeding pro se, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. *See* ECF No. 1. The matter is before the Court for the review of the Report and Recommendation (“R & R”) of United States Magistrate Judge Shiva V. Hodges,¹ who recommends summarily dismissing the petition without requiring Respondent to file an answer. *See* ECF No. 10.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court is charged with making a de novo determination of those portions of the R & R to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

Neither party has filed objections to the R & R, and the time for doing so has expired.² In

¹ This matter was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2) for the District of South Carolina.

² Petitioner’s objections were due by May 27, 2021. *See* ECF Nos. 10 & 11. On July 6, the R & R was returned to the Court as undeliverable. *See* ECF No. 13. Petitioner has not apprised the Court of any change in his address.

the absence of objections to the R & R, the Court is not required to give any explanation for adopting the Magistrate Judge's recommendations. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation'" (quoting Fed. R. Civ. P. 72 advisory committee's note)).

After a thorough review of the record in this case, the Court finds no clear error and therefore adopts and incorporates by reference the Magistrate Judge's R & R [ECF No. 10]. Accordingly, the Court **DISMISSES** the petition *with prejudice*³ and without requiring Respondent to file an answer or return.

IT IS SO ORDERED.

Florence, South Carolina
July 28, 2021

s/ R. Bryan Harwell
R. Bryan Harwell
Chief United States District Judge

³ As the Magistrate Judge concludes the Petitioner's claims also fail on the merits, the Court is dismissing the petition with prejudice.